

List of Proposed Local Rules Changes Effective 1/1/11

Rule 2.06 [Revised]
(Appendices I and II only)

Rule 7.22 [New]
RESERVATIONS (New Rule)

Rules 10.11(1) and (2) [Revised]
SENTENCING

Rule 11.204 [Repealed]
NOTICE BY PUBLICATION OF NOTICE OF PETITION TO ADMINISTER ESTATE

Rule 19.10 [Revised]
APPOINTMENT OF COUNSEL FOR MINORS

RULE 28.01 [Repealed]
COMPENSATION OF COURT-APPOINTED INTERPRETERS

RULE 2.06

COURT EMPLOYMENT CONFLICT OF INTEREST CODE

(a) Adoption of Code

This rule must constitute the Court's Conflict of Interest Code as required by Government Code Section 87300, and hereby incorporates by reference California Administrative Code, Title 2, Section 18730 ("Standard Code") and any amendments to it.

This court also in adopting the court personnel rules and procedures adopts the conflict of interest provisions set forth in those rules.

(b) Place of Filing Statements of Economic Interest

Pursuant to Section 4(c) of the Standard Code, designated employees must file statement of economic interests with the Human Resources Department of the Superior Court of California, County of San Luis Obispo.

(c) Appendices to the Standard Code

The Court adopts the following appendices to the Standard Code. (Amended 7/1/09)

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APPENDIX I:

DESIGNATED EMPLOYEE, CONTRACTOR OR CONSULTANT CLASSIFICATIONS

<u>Position</u>	<u>Disclosure Category</u>
Superior Court Commissioner	1,2
Court Executive Officer	1,2
Assistant Court Executive Officer	1,2
Court Attorney	3
Consultant	1,2
Traffic Referee	1,2
Court Executive Officer	1,2,4
Assistant Court Executive Officer	1,2,4
Director of Finance	1,2,4
Director of Human Resources	1,2,4
Director of Information Technology	1,2,4
Director of Criminal Operations	1,2,4
Director of Civil Operations	1,2,4
Director of Courtroom Operations	1,2,4
Family Law Facilitator	3,4
All Court Attorneys	3,4
All Department Managers	1,2,4
Management Analyst I/II/III	1,2,4
Accountant I/II/III	1,2,4
Consultant – as designated by the Court Executive Officer*	

*Consultants for this purpose are individuals assisting the Court in carrying out managerial functions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The Executive Officer may designate in writing that a particular consultant is hired to perform a range of duties requiring compliance with the disclosure requirements described in this section. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

~~1~~ The court may determine in writing that a consultant is hired to perform a limited range of duties and that the consultant is not required to comply with broad disclosure requirements. The

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determination must include a description of the consultant's duties and the extent of disclosure required. The court must file the statement with the clerk. The consultant must comply with all other provisions of this code.

~~2. Positions include employee, partner, officer, director, trustee, and any other management position.~~

(Amended 1/1/11)

APPENDIX II:

DISCLOSURE CATEGORIES

Category 1. Employees, contractors or consultants in designated classifications assigned to this disclosure category must report interest in real property located within San Luis Obispo County or within two miles of San Luis Obispo County. Employees or consultants assigned to this disclosure category shall report interests in real property located within San Luis Obispo County or within two miles of San Luis Obispo County.

Category 2. Employees, contractors or consultants in designated classifications assigned to this disclosure category must report investments in and income from business entities engaged in the manufacture, sale, lease, or provision of supplies, materials, equipment, real property, and services of the type used by this court within the past two (2) years. Employees or consultants assigned to this disclosure category shall report investments in business positions and income from business entities engaged in the manufacture, sale, lease or provision of supplies, materials, equipment, real property and services of the type used by this Court within the past two (2) years.

Category 3. Employees, contractors or consultants in designated classifications assigned to this disclosure category must report all investments, sources of income, interests in real property, and positions in business entities as follows: If during a reporting period a designated employee in this category did not participate in, or was not required to disqualify himself or herself from participating in, a case or other assignment in which he or she had a financial interest as defined by Section 87103 of the Government Code, the employee must sign a statement to that effect under penalty of perjury. This statement must be filed as the statement of economic interests required by Section 4(c) of the Standard Code. An employee who disqualified himself or herself from participating in which he or she had a financial interest must disclose the case or assignment and the disqualifying interest and file the statement with the Clerk. Employees or consultants in a designated classification assigned to this disclosure category shall report all investments, sources of income, interests in real property, and positions in business entitled as follows:

If during a reporting period a designated employee in this category did not participate in, or was not required to disqualify himself or herself from participating in, a case or other assignment in which he or she had a financial interest as defined by section 87103 of the Government Code, the employee shall sign a statement to that effect under penalty of perjury. This statement shall be filed as the statement of economic interests required by section 4(c) of the Standard Code. An employee who disqualified himself or herself from participating in a case or assignment in which he or she had a financial interest shall disclose the case or assignment and the disqualifying interest and file the statement with the Court Executive Officer.

Category 4: The name and address of the donor of any gift valued at \$50.00 or more must be reported; a description and estimated value of the gift must also be reported. Reportable gifts include gifts from business entities or individuals providing services which contract with or furnish goods or services to the designated employee or otherwise solicit business from the designated employee. If the donor may be affected by any decision made or participated in by such designated employee, gifts are reportable if received from any source under which the designated employee is required to report income and/or investments. No designated employee shall accept gifts from any single source in any calendar year with a total value of more than two hundred and fifty dollars (\$250.00). (Government Code §89503(c))

(Amended 1/1/11)

RULE 7.22

RESERVATIONS

Law and Motion settings are limited. Counsel must call and reserve a hearing date prior to filing their moving documents. For cases venued in Paso Robles, the reservation number is 237-3079; for cases venued in San Luis Obispo the reservation number is 781-5677. (Effective 1/1/11)

RULE 10.11

SENTENCING

(a) Probation Modification

(1) Notice Requirements

The court requires not less than 10 days notice to calendar a motion for modification of probation. The request to place the motion on calendar must be made by the defendant in person or by counsel.

(2) Jail Time Modifications

Request for "modification" of jail time may be calendared provided that not more than seven days have elapsed since the failure to appear at the jail and/or probation has not been revoked and a bench warrant issued. (Amended 1/1/08)

(3) Multiple Modification Request

If a case is twice scheduled for modification and there is no appearance, the case cannot be placed on calendar for the same modification.

(b) Fine Payments

(1) Accounting Fee

~~An accounting fee must be established by order of the court for fines paid directly to the court to cover the costs of accounting required by fine payments. The accounting fee may be waived by either the Director of Criminal Operations or Court Fiscal Officer under the following conditions:~~

~~_____ (A) The full amount of the fine was paid on or before the original due date established at the time of sentencing for the payment of the Accounting Fee, and;~~

~~_____ (B) One payment was made, and~~

~~_____ (C) The payment was not returned by the bank for any reason. In all other cases the imposed accounting fee may not be waived except by a judge or commissioner.~~

(1) Fine Payments by Installments

The Court will accept partial payments on criminal fines as ordered by a judicial officer. Court ordered payment plans will include specified dues dates and minimum amounts of the payments. Criminal fines paid by installments will be subject to an installment fee of \$30 pursuant to PC1205d.

(2) Cash Bail

In all cases wherein the defendant has posted cash bail and the court imposes a sentence which includes a fine payable in installments, any cash bail must be applied toward the fine. This must not relieve a defendant of making payment at such time and in such amount as ordered by the court, but must be credited to reduce the fine balance.

(3) Failure to Pay Fine

~~On probation violations where a defendant is on summary or bench probation and where the only violation is non-payment of the fine upon payment of the fine in full the clerk must be authorized to have the warrant recalled and to reinstate probation on the same terms and conditions as previous. The clerk must advise the defendant of the reinstatement of probation by first class mail, file proof of service and also verify that there are no other violations prior to such reinstatement~~

Fines due on traffic cases and criminal cases with summary or bench probation without Victim Restitution orders will be subject to the addition of a \$300 Civil Assessment pursuant to PC1214.1 if the fine becomes delinquent. In instances when the Court has contracted with a collection agency for the purpose of collecting delinquent court accounts, all payments for the cases referred to the collection agency will be made to the collection agency and remitted to the Court in accordance with the terms of the contract.

RULE 11.204

**~~NOTICE BY PUBLICATION OF NOTICE OF PETITION TO ADMINISTER
ESTATE~~**

~~See Appendix A for newspapers of general circulation in San Luis Obispo County.
(Amended-Repealed 1/1/05 1/1/11)~~

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APPENDIX A

NEWSPAPERS OF GENERAL CIRCULATION Area of Circulation Published

— The Tribune —————	DAILY
— P.O. Box 112 —————	San Luis Obispo County
— San Luis Obispo, CA 93406	
— The Country News Press —	TWICE WEEKLY
— P.O. Box 427 —————	Paso Robles, Templeton, Atascadero
— Paso Robles, CA 93447 —	& surrounding areas
— Atascadero News —————	TWICE WEEKLY
— P.O. Box 6068 —————	Atascadero, Templeton, Santa Margarita
— Atascadero, CA 93423	
— Five Cities Times Press Recorder —	TWICE WEEKLY
— P.O. Box 460 —————	Arroyo Grande, Nipomo, Shell Beach,
— Arroyo Grande, CA 93421 —	Pismo Beach, Grover Beach
— The Sun Bulletin —————	WEEKLY
— P.O. Box 1387 —————	Morro Bay, Cayucos, Los Osos, Cambria
— Morro Bay, CA 93443	
— The Cambrian —————	WEEKLY
— P.O. Box 67 —————	Cambria & San Simeon
— Cambria, CA 93428	
— New Times —————	WEEKLY
— 197 Santa Rosa —————	San Luis Obispo County
— San Luis Obispo, CA 93405	

RULE 19.10

APPOINTMENT OF COUNSEL FOR MINORS

Nothing in these rules prohibit a court-appointed evaluator from recommending to the court that counsel be appointed to represent the minor child. The recommendation must be made to the assigned Family Law judicial officer with copies of the transmittal letter to each of the attorneys for the parties, or to the parties if they are self-represented. All attorneys appointed pursuant to FC3151 who submit billings to the Court are required to provide copies of the billings to the parties each time the Court is billed for services. Billings to the Court must include a statement indicating that the parties have been provided copies. (Amended 1/1/05 1/1/10)

RULE 28.01

~~COMPENSATION OF COURT-APPOINTED INTERPRETERS~~

~~Compensation of court-appointed interpreters is established by the Judicial Council and is payable pursuant to the schedule set forth herein.~~

~~For certified and registered interpreters: Full day \$265.00; Half day \$147.00.~~

~~For noncertified interpreters: Full day \$200.00; Half day \$105.00. (Amended 7/1/03)(Repealed 1/1/11)~~